

**REMARKS**

Claims 1-5, 19-26, 34-40, 45-48, 57, 60, 61 and 63 are pending and have been examined.

Claims 1, 2, 19-21, 25, 26, 34-37, 45, 57, 60, 61 and 63 stand rejected under 35 U.S.C. §102(b) as being anticipated unpatentable by U.S. Patent Publication No. 2001/0016499 to Hamabe. Claims 3-5, 22-24, 38-40 and 46-48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamabe in view of U.S. Patent Publication No. 2003/0003921 to Laakso. Applicant respectfully traverses these rejections.

Independent claim 1 is directed to a radio-resource management method. The method includes a control step of, based on radio-link quality information to be notified from at least one of a plurality of radio base stations and radio terminals belonging to respective different operators, taking alteration control of a frequency that the radio base station utilizes “on the basis of information relating to other base stations that use the same frequency that is used by the radio base station” (emphasis added). The other independent claims recite, *inter alia*, a substantially similar feature and are believed patentable for at least the same reasons as set forth below with respect to independent claim 1.

The Office Action contends that the feature that “on the basis of information relating to other base stations that use the same frequency used by said radio station” of the independent claims is disclosed in paragraph [0099] of Hamabe. Applicant respectfully disagrees.

Paragraph [0099] of Hamabe discloses “enabling use of one carrier frequency for communication among multiple base station and multiple mobile stations.” Applicant respectfully submits that this paragraph of Hamabe does not teach the limitation of taking alteration control of a frequency that the radio base station utilizes “on the basis of information relating to other base stations that use the same frequency that is used by the radio base station.”

Specifically, Applicant directs the Examiner to paragraph [0100] of Hamabe. In paragraph [0100], Hamabe describes with reference to FIG. 2, that different frequencies are used in

Cellular System A and Cellular System B, respectively. This is simply a discussion of the general CDMA technology that each system uses its own frequency. Since different frequencies are used in each of the cellular systems, Hamabe can not disclose the limitation of taking alteration control of a frequency that the radio base station utilizes "on the basis of information relating to other base stations that use the same frequency that is used by the radio base station." In fact, inasmuch as Hamabe teaches that different frequencies are used in Cellular System A and Cellular System B, it teaches away from the present invention as defined in the independent claims. Accordingly, it is respectfully submitted that the independent claims patentably distinguish over Hamabe.

Laakso does not remedy any of the deficiencies of Hamabe. Laakso does not disclose or suggest taking alteration control of a frequency that the radio base station utilizes "on the basis of information relating to other base stations that use the same frequency that is used by the radio base station" as required by the independent claims. Thus, even if one were to combine the teachings of Hamabe and Laakso, one would not arrive at the present invention as defined in the independent claims. Accordingly, it is respectfully submitted that the independent claims patentably distinguish over the art of record.

Claims 2-5 depend either directly or indirectly from independent claim 1 and include all of the limitations found therein. Claims 20-24 depend either directly or indirectly from independent claim 19 and include all of the limitations found therein. Claims 26 depends directly from independent claim 25 and include all of the limitations found therein. Claims 35-36 depend either directly or indirectly from independent claim 34 and include all of the limitations found therein. Claims 38-40 depend either directly or indirectly from independent claim 37 and include all of the limitations found therein. Claims 46-48 depend either directly or indirectly from independent claim 45 and include all of the limitations found therein. Each of these dependent claims include additional limitations which, in combination with the limitations of the claims from which they depend, are neither disclosed nor suggested in the art of record. Accordingly, claims 2-5, 20-24, 26, 35, 36, 38-40 and 46-48 are likewise patentable.

In view of the foregoing, favorable consideration and allowance of the present application with claims 1-5, 19-26, 34-40, 45-48, 57, 60, 61 and 63 is respectfully and earnestly solicited.

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Respectfully submitted,

Electronic signature: /Richard LaCava/

Richard LaCava

Registration No.: 41,135

DICKSTEIN SHAPIRO LLP

1633 Broadway

New York, New York 10019-6708

(212) 277-6500

Attorney for Applicant